

December 6, 2007

Robert Batch
512 Riverside Drive
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 6-7, Block/Plat 56, Card/Lot 13

Dear Mr. Batch:

The following is the decision on your petition heard by the Zoning Board of Review (the "Board") on December 5, 2007 for a variance from Article V, Section 1 of the Tiverton Zoning Ordinance to construct an addition to the existing dwelling on property located at 512 Riverside Drive, Tiverton, Rhode Island, at Map 6-7, Block/Plat 56, Lot 13 (the "Premises"), exceeding the building lot coverage than is currently allowed in an R40 zone.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 8,190 square feet of land area, more or less, zoned R40.
2. That the petitioner desires to construct an addition to the existing dwelling to allow for first floor living and to re-establish the cottage look of the structure.
3. That the petitioner testified that the existing house was functionally adequate but that additional living area was desired on the first floor and second floor areas.
4. The Premises already has a dwelling that exceeds the maximum lot coverage requirement for the district and the proposal will intensify the non-conformity.
5. That the petitioner offered no evidence to show that the hardship to meet the maximum lot coverage was not self imposed.

6. No expert witnesses were presented by the petitioner.
7. No objectors were present.
8. The Board did not find the factual statements and opinions of the petitioner accurate or credible. The Board did not find any basis that the hardship was not self-imposed.

Based on the foregoing, the Board voted unanimously to deny the petitioner's application for a variance, as follows:

- a. Special conditions and circumstances do not exist which are special and peculiar to the land or structure involved, and which are applicable to other lands or structures in the same zoning district, and are due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship, which the petitioner seeks to avoid, has been imposed by prior action of the petitioner and is based purely for monetary gain or loss.
- d. The granting of the requested variance will alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is not the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That the hardship that will be suffered by the petitioner of the subject property if the dimensional variance is not granted does not amount to more than a mere inconvenience.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins when this decision is recorded and posted with the Town Clerk's Office).

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review